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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,  
et al.,

Plaintiffs,

v.

KATE BROWN, et al.,

Defendants.

Case No. 2:22-cv-01815-IM (*Lead Case*)  
Case No. 3:22-cv-01859-IM (*Trailing Case*)  
Case No. 3:22-cv-01862-IM (*Trailing Case*)  
Case No. 3:22-cv-01869-IM (*Trailing Case*)

CONSOLIDATED CASES

UNOPPOSED MOTION OF OREGON  
HUNTERS ASSOCIATION AND DUCKS  
UNLIMITED FOR LEAVE TO FILE BRIEF  
AND MEMORANDUM AS AMICUS  
CURIAE IN SUPPORT OF EYRE  
PLAINTIFFS AT TRIAL

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LEAVE TO FILE BRIEF AND MEMORANDUM AS AMICUS CURIAE IN SUPPORT OF EYRE  
PLAINTIFFS AT TRIAL

MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

KATERINA B. EYRE, TIM FREEMAN,  
MAZAMA SPORTING GOODS, NATIONAL  
SHOOTING SPORTS FOUNDATION, and  
OREGON STATE SHOOTING  
ASSOCIATION,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, Attorney General of  
Oregon, and TERRI DAVIE, Superintendent of  
the Oregon State Police,

Defendants.

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF  
AND MEMORANDUM IN SUPPORT OF EYRE PLAINTIFFS**

**LR 7-1 CERTIFICATION**

Pursuant to Local Rule 7-1(a), counsel for the proposed Amici Curiae certify that they conferred in good faith with counsel for all Plaintiffs and Defendants in the consolidated cases in January, and no party opposed the motion for Amici Curiae to submit an amicus brief then and

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counsel is proceeding on the assumption that the submission of the updated amicus brief that is the subject of this motion is still unopposed.

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF**

Oregon Hunters Association and Ducks Unlimited Inc. (together, “Hunters”) respectfully submit this Unopposed Motion for Leave to File the amicus brief in support of Plaintiffs attached as Exhibit A. Hunters’ input is desirable and will benefit the Court because Hunters will raise legal arguments not otherwise addressed by Plaintiffs, as well as important considerations regarding the impact of Measure 114 on lawful hunting and the conservation and management of Oregon’s wildlife and habitat. Members of these organizations are engaged in the longstanding tradition of hunting in Oregon and are the very individuals most impacted by an effective ban on firearm purchases, which diminishes their ability to carry on and pass on that historic tradition.

**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION FOR LEAVE TO FILE  
AMICUS BRIEF**

Oregon voters narrowly passed Ballot Measure 114, titled “Changes to Firearm Ownership and Purchase Requirements Initiative,” which requires a new permit to purchase any firearm and restricts the purchase, sale, and continued ownership of magazines with the capacity to hold more than ten rounds. Hunters’ organizations represent thousands of Oregonians who use firearms to hunt and assist in conservation and management of wildlife and habitat in Oregon. Hunters’ members have a substantial interest in Measure 114 and the outcome of this case. Hunters’ members are dedicated to educating, preserving, and protecting Oregon hunters in their activities legally hunting wildlife which promotes conservation and management of Oregon’s wildlife and habitat, including land available for legal hunting activities. Measure 114 substantially injures the rights of Hunters’ members and all Oregonians who engage in legal hunting activities and promote the conservation and management of Oregon’s wildlife and

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habitat and is an impermissible infringement on Second Amendment Rights. The Court should exercise its discretion to grant the Unopposed Motion and allow the filing of the brief attached as Exhibit A.

## ARGUMENT

### **I. Identity and Interests of the Proposed Amici Curiae**

Proposed amici curiae represent thousands of Oregon hunters and members supporting the conservation and management of wildlife and habitat in Oregon. These organizations and their respective members support hunting as a wildlife conservation and management tool. Hunters' members provide a unique perspective to the gun control debate. The members of these organizations are regular hunters and supporters of legal hunting activities. Hunters' use of firearms is perhaps the least controversial use of firearms in the United States. Thus, any impact of pending gun restrictions on their use is particularly vexatious. Legal hunting activities often occur in remote areas where hunters are uniquely isolated from the support and protection provided by public officers and law enforcement. Thus, hunters have a strong need for the constitutional right of self-defense. Importantly, Hunters provide a unique and useful perspective of firearms not as a weapon, but as a tool that involves no crimes or violence towards other people — regardless of whether such violence would be justified or criminal in nature.

### **II. Amici Curiae Should Be Admitted in this Case**

The Court has broad discretion to admit amicus curiae in a case. *E.g., Greater Hells Canyon Council v. Stein*, No. 17-CV-843, 2018 WL 438924, \*1 (D. Or. Jan. 16, 2018). The “classic role” of amici is “assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). “[T]here is no rule that amici must be totally disinterested.” *Funbus Sys., Inc. v. Cal. Pub. Utils. Comm’n.*, 801 F.2d 1120, 1125 (9th Cir. 1986) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)).

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Rather, the “touchstone” is that the proposed amicus will provide arguments and information that assist the Court’s decision-making. *California v. U.S. Dep’t of Labor*, No.13-CV-2069, 2014 WL 12691095, \*1 (E.D. Cal. Jan. 14, 2014) (citation omitted).

This Court should exercise discretion to grant OHA and DU participation in this case by allowing the filing of Exhibit A. As organizations that represent the interests of hunters and protecting and preserving natural wildlife habitats, including land available for legal hunting activities, Hunters has a strong interest in preventing implementation of a law that will make it essentially impossible to obtain firearms for hunting. Hunters can explain how Measure 114 infringes on the historical use of firearms for hunting, and why this renders the measure unconstitutional under recent Supreme Court precedent. Hunters can also explain practical reasons why Measure 114 infringes on hunting rights. Hunters will fulfill the classic role of amicus.

### CONCLUSION

For these reasons, Hunters respectfully requests that the Court grant them leave to file the amicus curiae brief attached as Exhibit A.

Respectfully submitted,

Dated: May 30, 2023

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**CERTIFICATE OF SERVICE**

In accordance with Fed. R. Civ. P. 5(b)(2)(E) and LR5-1, I hereby certify that on May 30, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

DATED this 30th day of May 2023.

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